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Amendment
Attorney Docket No. S63.2N-11056-US03

Remarks

This Amendment is in response to the Final Office Action dated **March 29, 2006**. In the Final Office Action, claims 65, 68, 76-82, and 88 have been allowed. Claims 61, 64, 69-75, 86, and 87 were rejected under 35 USC 112, 2nd paragraph. The Office Action states that claim 61 is confusing and inaccurate and points to page 27, lines 1-3 to show that each serpentine band has only a single serpentine strut. Applicant disagrees. The referenced lines simply do not identify the serpentine band as a strut; it is merely identified as a serpentine element.

The term "strut" in regard to stents having a circumferential framework or multiple circumferential frameworks is known in the art to be a *part* of the circumferential framework, not the circumferential framework itself. This is shown in prior art Figures 2A-4A in which only parts of the circumferential framework are identified as struts. Please note Figs. 2A-3 which identify as struts those parts of the circumferential framework labeled 18 (as well as 19 in Fig. 3). Please also note Figs 4A-4B wherein struts are identified as 24 and 25. Here again the struts are identified as only a part of a circumferential framework, not the circumferential framework itself.

Furthermore, the term "strut" as described above is consistent with the definition given in the WordReference.com Dictionary which defines strut as a "*brace consisting of a bar or rod used to resist longitudinal compression*". A serpentine band is not consistent with such a definition as the band as a whole is foremost designed to resist radial compression. Individual portions of the band resist longitudinal compression; these individual portions are the struts. The term "strut" as used in lines 4 and 6 of claim 61 is the same and consistent. Claim 61 has been amended to clarify the claim and is not believed to require a new search.

Particularly in light of the above, the term "strut" as used in the claims is believed

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to be consistent and clear. Applicant respectfully requests that the rejection be withdrawn.

Claims 61, 64, 69-75, 86, and 87 were rejected under 35 USC 102(e) in light of US Patent 5,562,729 to Purdy et al. In the alternative, claims 61, 64, 65, 68-82, 86, and 87 were rejected under 35 USC 103(a) in light of US Patent 5,562,729 to Purdy et al. Claims 61 and 86 respectively recite a prosthesis/stent having "a plurality of axially spaced serpentine bands, each serpentine band having a proximal and distal end and consisting of a plurality of interconnected struts, serpentine bands which are adjacent one another connected one to the other". Purdy neither teaches nor suggests this limitation. In as much as Purdy teaches a serpentine band, Purdy does not teach a *plurality of axially* spaced serpentine bands. As addressed above, the struts as claimed are portions of the bands not the bands themselves. Thus, for at least this reason, Purdy does not teach the limitations of claims 61 or 86. Applicant respectfully requests that the 102(e) rejection and the alternative 103(a) rejection of claims 61 and 86 and claims 64, 69-75, and 87 dependent thereof be withdrawn.

Claim 85 was rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent Number 5,843,117. A Terminal Disclaimer is submitted herewith. Applicant requests that the rejection of claim 85 and those claims dependent thereof be withdrawn.

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CONCLUSION

In view of the foregoing it is believed that the present application, with pending claims 61, 64, 65, and 68-88, is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

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